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PATENT  
Attorney Docket: 2863 (203-3511PCT US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David C. Racenet                      Examiner: Michelle Lopez  
Serial No.: 10/529,800                      Group: Art Unit 3721  
Filed: March 30, 2005                      Dated: December 17, 2007  
For: **TOOL ASSEMBLY FOR A  
SURGICAL STAPLING DEVICE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST TO CORRECT INVENTORSHIP UNDER 35 U.S.C. §116 AND  
37 C.F.R. §1.48(a)**

In accordance with 35 U.S.C. §116 and 37 C.F.R. §1.48(a), it is  
respectfully requested that the inventorship of pending U.S. Patent Application Serial No.  
10/529,800 be corrected. Through unintentional error the following inventors:

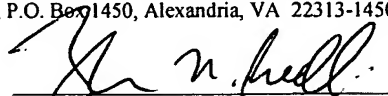
Philip Roy of Orange, Connecticut;  
John W. Beardsley of Wallingford, Connecticut;  
Lee Ann Olson of Wallingford, Connecticut;  
Ralph Stearns of Bozrah, Connecticut; and  
Cliff L. Emmons of Oakville, Connecticut,

were not named as inventors in the above-referenced pending application. A duly  
executed statement from each person being added as an inventor is attached as evidence  
that such error arose without any deceptive intent and that all parties are in agreement and  
the current inventorship change is not contested.

**CERTIFICATION UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an  
envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 17, 2007.

Dated: December 17, 2007

  
Thomas M. Rosselli

12/19/2007 WASFAW1 00000037 210550 10529800

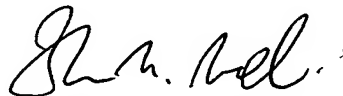
01 FC:1464 130.00 DA

Also attached is a duly executed statement from Mark Farber, an attorney and Assistant Secretary for the assignee, attesting to the facts that the assignee, Tyco Healthcare Group LP, is in agreement with and does not contest the correction of inventorship.

A Declaration and an Assignment, both of which are duly executed by each of the inventors is enclosed.

The Commissioner is authorized to charge \$130.00 to Deposit Account No. 21-0550 to cover the fee set forth in 37 C.F.R. § 1.17(i). Please charge any deficiency, or credit any over payment to Deposit Account No. 21-0550, without further authorization. TWO COPIES OF THIS SHEET ARE ENCLOSED.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T.M. Rosselli", with a stylized flourish at the end.

Thomas M. Rosselli  
Reg. No. 53,532  
Attorney for Patentee(s)

***Carter, DeLuca, Farrell & Schmidt, LLP***  
445 Broad Hollow Road, Suite 225  
Melville, New York 11747  
Telephone: (631) 501-5700  
Facsimile: (631) 501-3526



PATENT  
Attorney Docket: 2863 (203-3511PCT US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David C. Racenet

Examiner: Michelle Lopez

Serial No.: 10/529,800

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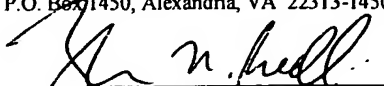
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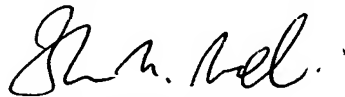
  
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Respectfully submitted,



Thomas M. Rosselli  
Reg. No. 53,532  
Attorney for Patentee(s)

***Carter, DeLuca, Farrell & Schmidt, LLP***  
445 Broad Hollow Road, Suite 225  
Melville, New York 11747  
Telephone: (631) 501-5700  
Facsimile: (631) 501-3526



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**STATEMENT FROM PERSON BEING ADDED AS INVENTOR THAT THE  
INVENTORSHIP ERROR OCCURRED WITHOUT ANY DECEPTIVE  
INTENTION ON HIS PART IN ACCORDANCE WITH 37 C.F.R §1.48(a)**

I, Philip Roy of Orange, Connecticut, in accordance with 37 C.F.R. §1.48(a), declare that through inadvertent error I was not named as an inventor for U.S. Patent Application No. 10/529,799 and that the error in inventorship occurred without any deceptive intention on my part.

Signature:

  
Philip Roy

Date:

10/22/07



PATENT  
Attorney Docket: 2863 (203-3511PCT US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David C. Racenet

Examiner: Michelle Lopez

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**STATEMENT FROM PERSON BEING ADDED AS INVENTOR THAT THE  
INVENTORSHIP ERROR OCCURRED WITHOUT ANY DECEPTIVE  
INTENTION ON HIS PART IN ACCORDANCE WITH 37 C.F.R §1.48(a)**

I, John W. Beardsley of Wallingford, Connecticut, in accordance with 37 C.F.R. §1.48(a), declare that through inadvertent error I was not named as an inventor for U.S. Patent Application No. 10/529,800 and that the error in inventorship occurred without any deceptive intention on my part.

Signature:

  
John W. Beardsley

Date:

11/1/07



PATENT

Attorney Docket: 2863 (203-3511PCT US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David C. Racenet

Examiner: Michelle Lopez

Serial No.: 10/529,800

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**STATEMENT FROM PERSON BEING ADDED AS INVENTOR THAT THE  
INVENTORSHIP ERROR OCCURRED WITHOUT ANY DECEPTIVE  
INTENTION ON HER PART IN ACCORDANCE WITH 37 C.F.R §1.48(a)**

I, Lee Ann Olson of Wallingford, Connecticut, in accordance with 37 C.F.R.  
§1.48(a), declare that through inadvertent error I was not named as an inventor for U.S.  
Patent Application No. 10/529,800 and that the error in inventorship occurred without  
any deceptive intention on my part.

Signature: Lee Ann Olson  
Lee Ann Olson

Date: 10-5-07



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Attorney Docket: 2863 (203-3511PCT US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David C. Racenet

Examiner: Michelle Lopez

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**STATEMENT FROM PERSON BEING ADDED AS INVENTOR THAT THE  
INVENTORSHIP ERROR OCCURRED WITHOUT ANY DECEPTIVE  
INTENTION ON HIS PART IN ACCORDANCE WITH 37 C.F.R §1.48(a)**

I, Ralph Stearns of Bozrah, Connecticut, in accordance with 37 C.F.R. §1.48(a),  
declare that through inadvertent error I was not named as an inventor for U.S. Patent  
Application No. 10/529,800 and that the error in inventorship occurred without any  
deceptive intention on my part.

Signature: *Ralph Stearns*  
Ralph Stearns

Date: 10/23/07





PATENT  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David C. Racenet

Examiner: Michelle Lopez

Serial No.: 10/529,800

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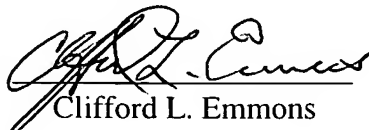
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**STATEMENT FROM PERSON BEING ADDED AS INVENTOR THAT THE  
INVENTORSHIP ERROR OCCURRED WITHOUT ANY DECEPTIVE  
INTENTION ON HIS PART IN ACCORDANCE WITH 37 C.F.R §1.48(a)**

I, Clifford L. Emmons of Oakville, Connecticut, in accordance with 37 C.F.R. §1.48(a), declare that through inadvertent error I was not named as an inventor for U.S. Patent Application No. 10/529,800 and that the error in inventorship occurred without any deceptive intention on my part.

Signature:

  
Clifford L. Emmons

Date:

11/14/07



PATENT  
Attorney Docket: 2863 (203-3511PCT US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): David C. Racenet

Examiner: Michelle Lopez

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**ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION IN  
ACCORDANCE WITH 37 C.F.R. §3.73(b) AND STATEMENT FROM ASSIGNEE  
AGREEING TO THE CHANGE OF INVENTORSHIP IN ACCORDANCE WITH  
37 C.F.R §1.48(a)**

In accordance with 37 C.F.R. § 3.73(b), documentary evidence of the chain of title of pending U.S. Patent Application Serial No. 10/529,800 from the original inventor, David C. Racenet, to the assignee, Tyco Healthcare Group LP is enclosed herewith. More specifically, enclosed is a copy of an executed assignment by David C. Racenet to Tyco Healthcare Group LP which was recorded at Reel/Frame 017013/0287 in the assignment records of the United States Patent and Trademark Office on March 30, 2005.

Also enclosed is a newly executed assignment by the following inventors:

Philip Roy of Orange, Connecticut;  
John W. Beardsley of Wallingford, Connecticut;  
Lee Ann Olson of Wallingford, Connecticut;  
Ralph Stearns of Bozrah, Connecticut; and  
Cliff L. Emmons of Oakville, Connecticut,

to Tyco Healthcare Group LP which is currently being submitted to the United States Patent and Trademark Office for recordation pursuant to 37 C.F.R. §3.11.

I, Mark Farber of Shelton, Connecticut, in accordance with 37 C.F.R. §3.73(b) declare that the assignee, Tyco Healthcare Group LP, is in agreement with the change of inventorship to add the following inventors:

Philip Roy of Orange, Connecticut;  
John W. Beardsley of Wallingford, Connecticut;  
Lee Ann Olson of Wallingford, Connecticut;  
Ralph Stearns of Bozrah, Connecticut; and  
Cliff L. Emmons of Oakville, Connecticut,

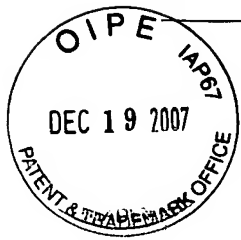
as co-inventors for U.S. Patent Application No. 10/529,800. I presently hold the position of Assistant Secretary for Tyco Healthcare Group LP, and in such capacity, I am an officer of the assignee having apparent authority to sign on behalf of the assignee.

Signature:

  
Mark Farber

Date:

October 30, 2007



**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,  
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: *(check one applicable item below)*

- ☒ original
- ☐ design
- ☐ supplemental

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

- ☒ national stage of PCT

NOTE: If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor *(if only one name is listed below)* or an original, first and joint inventor *(if plural names are listed below)* of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

TOOL ASSEMBLY FOR A SURGICAL STAPLING DEVICE

### SPECIFICATION IDENTIFICATION

the specification of which: *(complete (a), (b) or (c))*

(a) ☐ is attached hereto.

(b) ☒ was filed on March 30, 2005 as ☒ Serial No. 10/529,800.

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 C.F.R. 1.67.

(c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ *(if any)*.

### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, and

☐ in compliance with this duty there is attached an information disclosure statement in accordance with 37 C.F.R. §1.98.

### PRIORITY CLAIM (35 U.S.C. §119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
(35 U.S.C. §119(e))**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

**PROVISIONAL APPLICATION NUMBER**

60/416,088

\_\_\_\_\_

**FILING DATE**

October 4, 2002

\_\_\_\_\_

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. §120.

## **POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*List name and registration number*)

**ALL ATTORNEYS AND REGISTERED PRACTITIONERS ASSOCIATED WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE, CUSTOMER NO. 50855.**

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

(Name and telephone number)

Mark Farber, Esq.  
COVIDIEN  
60 Middletown Avenue  
North Haven, CT 06473

(203) 492-5000

## **DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full Name of sole or first inventor: David C. Racenet

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 157 Northfield Road, Litchfield, CT 06759

Country of Citizenship: USA Mailing Address: Same as above

Full Name of second joint inventor: Philip Roy

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 263 Bittersweet Road, Orange, CT 06477

Country of Citizenship: USA Mailing Address: Same as above

Full Name of third joint inventor: John W. Beardsley

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 14 Killen Road, Wallingford, CT 06492

Country of Citizenship: USA Mailing Address: Same as above

Full Name of fourth joint inventor: Lee Ann Olson

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 125 South Elm Street, Wallingford, CT 06492

Country of Citizenship: USA Mailing Address: Same as above

Full Name of fifth joint inventor: Ralph Stearns

Inventor's signature: Ralph Stearns Date: 10/23/07

Residence: 38 South Road, Bozrah, CT 06334

Country of Citizenship: USA Mailing Address: Same as above

Full Name of fifth joint inventor: Clifford L. Emmons

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 17 Morin Street, Oakville, CT 06779

Country of Citizenship: USA Mailing Address: Same as above



**CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING  
ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION**

- ☐ Signature for subsequent joint inventors.  
Number of pages added \_\_\_\_.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.  
Number of pages added \_\_\_\_.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. §1.47.  
Number of pages added \_\_\_\_.

\*\*\*

- ☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.  
Number of pages added \_\_\_\_.

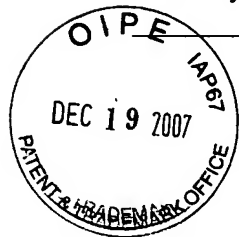
\*\*\*

- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

\*\*\*

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.

☒ This declaration ends with this page.



**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,  
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- ☒ national stage of PCT

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- ☐ continuation
- ☐ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

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			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

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NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. §120.

## **POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*List name and registration number*)

**ALL ATTORNEYS AND REGISTERED PRACTITIONERS ASSOCIATED WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE, CUSTOMER NO. 50855.**

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

(Name and telephone number)

Mark Farber, Esq.  
COVIDIEN  
60 Middletown Avenue  
North Haven, CT 06473

(203) 492-5000

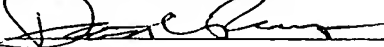
## **DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.


Full Name of sole or first inventor: David C. Racenet

Inventor's signature:  Date: 10/29/2007

Residence: 157 Northfield Road, Litchfield, CT 06759

Country of Citizenship: USA Mailing Address: Same as above

Full Name of second joint inventor: Philip Roy

Inventor's signature:  Date: 10/29/07

Residence: 263 Bittersweet Road, Orange, CT 06477

Country of Citizenship: USA Mailing Address: Same as above

Full Name of third joint inventor: John W. Boardsley

Inventor's signature:  Date: 11/1/07

Residence: 14 Killen Road, Wallingford, CT 06492

Country of Citizenship: USA Mailing Address: Same as above

Full Name of fourth joint inventor: Lee Ann Olson

Inventor's signature:  Date: 10-5-07

Residence: 125 South Elm Street, Wallingford, CT 06492

Country of Citizenship: USA Mailing Address: Same as above

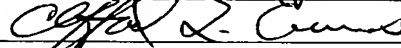
Full Name of fifth joint inventor: Ralph Stearns

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Residence: 38 South Road, Bozrah, CT 06334

Country of Citizenship: USA Mailing Address: Same as above

Full Name of fifth joint inventor: Clifford L. Emmerson

Inventor's signature:  Date: 11/14/07

Residence: 17 Morin Street, Oakville, CT 06779

Country of Citizenship: USA Mailing Address: Same as above

**CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING  
ADDED PAGE(S) WHICH FORM A PART OF THIS DECLARATION**

- ☐ Signature for subsequent joint inventors.  
Number of pages added \_\_\_\_.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.  
Number of pages added \_\_\_\_.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 C.F.R. §1.47.  
Number of pages added \_\_\_\_.

\*\*\*

- ☐ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.  
Number of pages added \_\_\_\_.

\*\*\*

- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

\*\*\*

If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.

- ☒ This declaration ends with this page.